

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

EMERGING ACQUISITIONS LLC, an
Oregon limited liability company,

Plaintiff,

v.

OneEnterprise, Inc., a Washington
corporation,

Defendant.

No.

COMPLAINT FOR PATENT
INFRINGEMENT AND JURY DEMAND

PARTIES

Plaintiff Emerging Acquisitions LLC for its complaint against Defendant OneEnterprise, Inc. states as follows:

1. Plaintiff Emerging Acquisitions LLC, d/b/a Bulk Handling Systems, is an Oregon limited liability company with its principal place of business in Eugene, Oregon.

2. Defendant OneEnterprise, Inc. is a company organized under the laws of the State of Washington, with its principal place of business in Woodinville, Washington.

JURISDICTION AND VENUE

3. This action is brought pursuant to the patent laws of the United States, 35 U.S.C. § 100, et seq., including 35 U.S.C. § 281.

4. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338.

Complaint for Patent Infringement - 1

1 12. Defendant has induced and continues to induce infringement by teaching its
2 customers what Defendant knows to be infringing uses of its product, including through, inter
3 alia, upon information and belief, Defendant's manuals, instructions, and images.

4 13. At no time has Plaintiff granted Defendant authorization, license, or permission to
5 practice the inventions claimed in the '964 Patent.

6 14. Plaintiff has been and will continue to be damaged by Defendant's continuing
7 infringement of the '964 Patent.

8 15. Because Plaintiff and Defendant are direct competitors in the market for
9 compound disks, Plaintiff has been and will continue to be harmed irreparably by Defendant's
10 infringement of the '964 Patent and has no adequate remedy at law.

11 **SECOND CLAIM FOR RELIEF**

12 **(Infringement of U.S. Patent No. 6,149,018)**

13 16. Plaintiff alleges and incorporates by reference the allegations contained in the
14 above paragraphs of this Complaint.

15 17. U.S. Patent No. 6,149,018 for Method and Apparatus for Sorting Recycled
16 Material ("the '018 Patent") was duly and properly issued by the USPTO on November 21,
17 2000. A copy of the '018 Patent is attached as Exhibit B.

18 18. Plaintiff is the sole owner by assignment of the '018 Patent.

19 19. Defendant has infringed and continues to infringe directly, contributorily and via
20 inducement (35 U.S.C. § 271(a)-(c)), the Claims of the '018 Patent in this District and elsewhere
21 by making, using, offering to sell, selling, and importing the Accused Product.

22 20. Defendant has sold parts and products to customers knowing them to be non-
23 staple articles of commerce that are material, specially adapted components of the '018 Patent's
24 invention that are not suitable for any substantial noninfringing use, and knowing that the
25 purchasers, by using those parts and products, have infringed and continue to infringe the '018
26 Patent.

1 21. Defendant has induced and continues to induce infringement by teaching its
2 customers what Defendant knows to be infringing uses of its product, including through, inter
3 alia, upon information and belief, Defendant's manuals, instructions, and images.

4 22. At no time has Plaintiff granted Defendant authorization, license, or permission to
5 practice the inventions claimed in the '018 Patent.

6 23. Plaintiff has been and will continue to be damaged by Defendant's continuing
7 infringement of the '018 patent.

8 24. Because Plaintiff and Defendant are direct competitors in the market for
9 compound disks, Plaintiff has been and will continue to be harmed irreparably by Defendant's
10 infringement of the '018 patent and has no adequate remedy at law.

11 **THIRD CLAIM FOR RELIEF**

12 **(Infringement of U.S. Patent No. 6,371,305)**

13 25. Plaintiff alleges and incorporates herein by reference the allegations contained in
14 the above paragraphs of this Complaint.

15 26. U.S. Patent No. 6,371,305 for Method and Apparatus for Sorting Recycled
16 Material ("the '305 Patent") was duly and properly issued by the USPTO on April 16, 2002. A
17 copy of the '305 Patent is attached as Exhibit C.

18 27. Plaintiff is the sole owner by assignment of the '305 Patent.

19 28. Defendant has infringed and continues to infringe directly, contributorily and via
20 inducement (35 U.S.C. § 271(a)-(c)), the Claims of the '305 Patent in this District and elsewhere
21 by making, using, offering to sell, selling, and importing the Accused Product.

22 29. Defendant has sold parts and products to customers knowing them to be non-
23 staple articles of commerce that are material, specially adapted components of the '305 Patent's
24 invention that are not suitable for any substantial noninfringing use and knowing that the
25 purchasers, by using those parts and products, have infringed and continue to infringe the '305
26 Patent.

30. Defendant has induced and continues to induce infringement by teaching its customers what Defendant knows to be infringing uses of its product, including through, inter alia, upon information and belief, Defendant's manuals, instructions, and images.

31. At no time has Plaintiff granted Defendant authorization, license, or permission to practice the inventions claimed in the '305 Patent.

32. Plaintiff has been and will continue to be damaged by Defendant's continuing infringement of the '305 Patent.

33. Because Plaintiff and Defendant are direct competitors in the market for compound disks, Plaintiff has been and will continue to be harmed irreparably by Defendant's infringement of the '305 Patent and has no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

A. Enter an order declaring that each of the '964, '018, and '305 patents is infringed by Defendant;

B. Enter an order preliminarily and permanently enjoining Defendant, its officers, directors, employees, agents, representatives and all persons acting or claiming to act on their behalf or under their direction or authority from directly or contributorily, infringing, or inducing infringement of, any claims of the '964, '018, or '305 Patents;

C. Enter judgment in favor of Plaintiff and against Defendant for damages for patent infringement pursuant to 35 U.S.C. § 284 in an amount to be determined at trial, but in no event less than a reasonable royalty for infringement of the '964, '018, and '305 Patents;

D. Enter judgment in favor of Plaintiff and against Defendant for treble damages pursuant to 35 U.S.C. § 284 by reason of Defendant's deliberate and willful infringement of the '964, '018, and '305 Patents;

E. Enter an order awarding Plaintiff interest and reasonable attorneys' fees pursuant to 35 U.S.C. § 285, as well as costs and expenses; and

1 F. Enter an order granting Plaintiff such other and further relief as the Court deems
2 just and proper.

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4 **DEMAND FOR JURY TRIAL**

5 Plaintiff requests a jury for all issues so triable.

6 DATED: September 17, 2013.

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